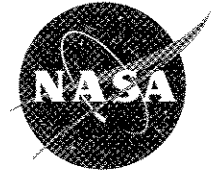


National Aeronautics and Space Administration  
George C. Marshall Space Flight Center  
Marshall Space Flight Center, AL 35812



October 22, 2009

Reply to Attn of:

LS01 (AMM)

MEMORANDUM FOR RECORD

FROM: LS01/ James R. Frees

SUBJECT: Approval for MSFC Employees with Senior Institutional or Project Responsibilities to Attend a Pre-launch Reception Sponsored by Jacobs

In accordance with 5 CFR § 2635.204(g)(2) and (3), I make the following determination:

Certain MSFC employees with senior institutional or project responsibilities have been invited to attend a pre-test launch reception sponsored by Jacobs at the Hilton Hotel Atlantis Grill Restaurant, Cocoa Beach, Florida, on or about October 26, 2009, from 5:30 p.m. – 7:30 p.m. This event is to be held in conjunction with the test launch of the Ares IX rocket at the Kennedy Space Center.

This event will be a widely-attended gathering of aerospace industry representatives, members of Congress, NASA employees, and members of the public. The reception is valued at \$13.50 per person and approximately 300 individuals have been invited to attend. I find that the reception meets the requirements of a “widely attended gathering” as defined in 5 CFR § 2635.204(g)(2).

Jacobs is a contractor that is currently involved in the Space Shuttle program and the Ares program, and other significant contractual matters relating to NASA. Some MSFC personnel invited to attend this event presently, or may in the near future, have extensive involvement in matters relating to Jacobs’ business interests.<sup>1</sup>

These personnel are similarly situated in that they each have senior institutional or project responsibilities that could significantly influence current or future Jacobs’ contracts. I have determined that free attendance of these senior institutional leaders at the pre-test launch reception is in the interests of the agency because it will further agency programs and operations. The attendance of these senior NASA employees at the event will help to raise NASA’s profile with national, state, and local business and

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<sup>1</sup> These personnel include: MSFC Center Director, Space Shuttle Program Manager and Space Shuttle Deputy Manager.

governmental leaders, will contribute to community relations, and will support NASA's statutory mandate to disseminate information about its programs.

Given the purpose of the event, NASA's interest in it, the broad attendance anticipated, and the modest market value of the event, I have determined that the value to the agency in having these senior institutional leaders attend this event outweighs any concern that free attendance may or may appear to improperly influence them in the performance of their duties.

Accordingly, NASA employees in the positions identified within the footnote may accept free attendance at the event. They may also accept invitations for accompanying spouses or guests. Free attendance by employees whose duties do not affect the sponsor is addressed in a separate determination.

Jacobs Engineering, Inc. is a lobbying organization, and as such NASA employees who are in non-career positions for which Executive Order 13490 requires the signing of an ethics pledge may attend only if they make arrangements with the sponsor to reimburse the cost of the refreshments they consume at the reception.

Questions about this determination may be addressed to Annette Metcalf Coffel at 256-544-0025.

  
James R. Frees  
Acting Chief Counsel